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11 *Attorneys for Defendant Michael Lacey*

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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE DISTRICT OF ARIZONA

16 United States of America,

17 Case No. CR-18-00422-PHX-SPL (BSB)

18 Plaintiff,

19 vs.

20 Michael Lacey

21 Defendant.

22 DEFENDANT LACEY'S REPLY TO
23 UNITED STATES' RESPONSE (DOC. 466)
24 TO DEFENDANTS' JOINT MOTION FOR
25 DESIGNATION OF 39 DOCUMENTS
26 SUBJECT TO THIS COURT'S
27 DESTRUCTION ORDER TO BE
28 PRESERVED AS PART OF THE *IN
CAMERA* RECORD IN THIS
PROSECUTION

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19 Defendant, Michael Lacey, by and through his undersigned attorney, hereby replies to
20 the United States' Response (Doc. 466) To Defendants' Joint Motion For Designation Of 39
21 Documents Subject To This Court's Destruction Order To Be Preserved As Part Of The *In
Camera* Record In This Prosecution (Doc. 453). Defendants' joint motion stated that
22 "Defendants are in the process of destroying the 39 documents." (Doc. 453, p. 2). Undersigned
23 counsel's email to the government dated February 7, 2019, (Doc. 466-1, Exhibit D), was notice
24 to the government of Mr. Lacey's compliance with the Court's order to destroy the documents.
25 Mr. Lacey hereby provides notice to this Court that the documents have been destroyed.
26 However, as it is constitutional error for the government to withhold *Brady* material from the
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1 defendant, the destroyed documents must be preserved as part of the record for later review in
2 this case or appellate review, if necessary, since they clearly contain a large amount of *Brady*
3 material.

4 RESPECTFULLY SUBMITTED this 21st day of February, 2019
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6 LIPSITZ GREEN SCIME CAMBRIA LLP
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8 /s/ Paul J. Cambria, Jr.
9 Attorneys for Defendant
Michael Lacey
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February 2019, I electronically transmitted a PDF version of this document to the Clerk of the Court by filing with the CM/ECF system and understand a copy of the filing will be emailed to the attorneys of record.

By: /s/ Kristina Drewery